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PATENT  
ATTORNEY DOCKET NO. 044574-5003-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Subrahmanyam V. YERRAMILLI *et al.*

Application No.: 10/004,427

Filed: December 6, 2001

For: A PROCESS TO STUDY CHANGES IN  
GENE EXPRESSION IN  
GRANULOCYTIC CELLS

Group Art Unit: 1636

Examiner: R. Akhavan

Commissioner for Patents  
U.S. Patent & Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Amendment  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

**AMENDMENT UNDER 37 C.F.R. § 1.111**

This paper responds to the Office Action, dated March 24, 2004, time for response to which expires June 24, 2004. A petition for a one month extension of time is submitted concurrently, thereby extending the period for response to July 24, 2004. Since July 24, 2004, fell on a Saturday, the next business day rule applies. Thus, this response is timely filed.

Applicants respectfully request reconsideration of this application in view of the following amendments and remarks.

Please amend the above-identified application as follows:

**Amendments** to the Specification begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 29 of this paper.

**Remarks/Arguments** begin on page 33 of this paper.

07/26/2004 SDIRETA1 00000007 500310 10004427

02 FC:2202 27.00 DA



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GENE EXPRESSION IN GRANULOCYTIC  
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Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, **Mail Stop Amendment**  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Date: July 26, 2004  
July 24 = Saturday

Sir:

**AMENDMENT (FEE) TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the Office Action dated March 24, 2004. Since July 24, 2004, fell on a Saturday, the next business day rule applies. Thus, the enclosed response is timely filed.

2. Additional papers enclosed:

- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, copies of \_\_\_ references
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)

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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	<b>\$ 55.00</b>
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$55.00

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16) (SMALL ENTITY)

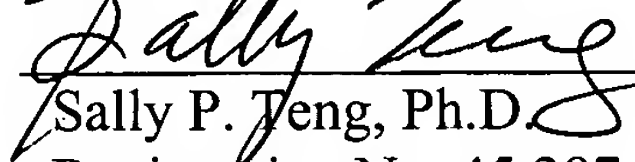
CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	38	minus	35	3	x \$18/\$9 each=	\$ 27.00
Independent Claims (37 C.F.R. §1.16(b))	3	minus	3	0	x \$86/\$43 each=	\$ 0.00
First presentation of Multiple dependent claim(s): previously paid					\$290/\$145	\$ 0.00
Fee for <u>1</u> Month Extension of Time						\$ 55.00
TOTAL FEE =						\$ 82.00

6. Fee Payment

- ☒ The Commissioner is hereby authorized to charge **\$82.00** to Deposit Account No. 50-0310 for Additional Claims Fee (\$27.00) and One-Month Extension of Time Fee (\$55.00) (SMALL ENTITY).
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

Date: July 26, 2004  
Morgan Lewis & Bockius LLP  
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